

RECEIVED
CENTRAL FAX CENTER

OCT 27 2004

Attorney Docket No. 5576-153

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Shigeru Nojima et al.

Serial No.: 10/706,647

Group Art No.: 3749

Filed: November 10, 2003

Confirmation No.: 4620

For: FLUE GAS DENITRATION CATALYST AND PREPARATION PROCESS

March 25, 2004

Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCORD THE PROPER FILING DATE

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of November 10, 2003 rather than November 12, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of November 10, 2003 being the correct filing date for the application, which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt along with a copy of the USPS-Track & Confirm from the web page (www.usps.com), showing "acceptance" or deposit date with the USPS at 5:43 p.m. on November 10, 2003; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of November 12, 2003 instead of the Express Mail date of November 10, 2003.

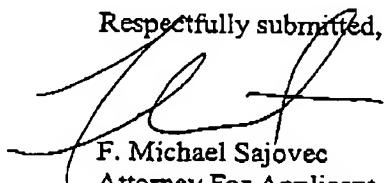
This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of November 10, 2003 as the filing date pursuant to 37 CFR § 1.10.

BEST AVAILABLE COPY

In re: Shigeru Nojima et al.
Serial No.: 10/705,365
Filed: November 10, 2003
Page 2

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

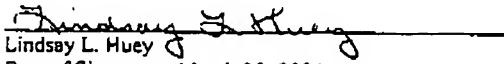


F. Michael Sajovec
Attorney For Applicant
Registration No. 31,793

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 25, 2004.


Lindsay L. Huey
Date of Signature: March 25, 2004

BEST AVAILABLE COPY